

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:11CR193
vs.)	
)	PRELIMINARY ORDER
JESUS VARGAS-CASTILLO,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 3rd day of January, 2012, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has agreed to enter a plea of guilty to Count II and the Forfeiture Allegation of said Superceding Indictment. Count II charged the Defendant with conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846. The Forfeiture Allegation charged the Defendant with using the following properties to facilitate the commission of the conspiracy and charges said personal properties are derived from proceeds obtained directly or indirectly as a result of the commission of the conspiracy:

- a. 1973 Chevy Caprice, VIN 1N47Y3J231151;
- b. 2004 Cadillac Escalade, VIN 1GYEK63N54R249187;
- c. 1979 Olds Cutlass, VIN 3M47A9R481914;
- d. 1999 Ford F150, VIN 1FTZX1724XKB82588;
- e. 1986 Mazda Pickup, VIN JM2UF1119G0651758;
- f. 1989 Bayliner Boat, VIN BL1J13CXA989;
- g. 2008 Chevrolet Silverado, VIN 3GCEC13C88G120905.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Superseding Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following properties:

- a. 1973 Chevy Caprice, VIN 1N47Y3J231151;
- b. 2004 Cadillac Escalade, VIN 1GYEK63N54R249187;
- c. 1979 Olds Cutlass, VIN 3M47A9R481914;
- d. 1999 Ford F150, VIN 1FTZX1724XKB82588;
- e. 1986 Mazda Pickup, VIN JM2UF1119G0651758;
- f. 1989 Bayliner Boat, VIN BL1J13CXA989;
- g. 2008 Chevrolet Silverado, VIN 3GCEC13C88G120905.

C. The Defendant's interest in the properties described above is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 3rd day of January, 2012.

BY THE COURT:

Richard G. Kopf
RICHARD G. KOPF, Judge
United States District Court